

## REMARKS

Claims 1-44 are pending in this application. Claims 8-20 and 22-44 were withdrawn. Claims 1-7, and 21 were rejected under 35 USC 102.

### Restriction into Subgroups

The restriction by the Examiner of the Groups I and II into species groups or subgroups (i.e. Ia, Ib, Ic, Id, and Ie, and IIa, IIb, IIc, IId, IIe, IIf and IIg,) within the Groups I and II is improper. Applicant respectfully requests reconsideration and withdrawal of this restriction based on the following rationale.

The Examiner failed to address that the restriction into subgroups should be removed. The restriction requirement into subgroups **must** be withdrawn because there is **no serious burden** on the examiner to examine all the claims within the Group. See MPEP 803. There are two criteria for a proper requirement for restriction between patentably distinct inventions: the inventions must be independent or distinct as claimed; **and** there **"would be a serious burden** on the examiner if restriction is not required." MPEP 803 (emphasis added). The search and examination of all the claims within a Group can be made without serious burden due to the closely related nature and field of search of the invention embodied in the dependent claims. Applicant points out that the Examiner states that the Group I claims are drawn to a *single class*, and that Group II Claims are drawn to a *single subclass*. This supports the related nature of the claims and that examination of all the subgroup claims can be made without serious burden. "If the search and examination of all the claims in an application can be made without serious burden, the examiner **must** examine them on the merits, **even though they include claims to independent or**

**distinct inventions.**" MPEP 803 (emphasis added). As such, the Applicant points out that an immediate withdrawal of the subgroup restriction requirement is required, and respectfully requests examination of all the claims within the Group.

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Rejection under 35 U.S.C. 102

Claims 1-7, and 21 are patentable under 35 U.S.C. 102 because all the limitations are not taught by the cited art. "[F]or anticipation under 35 U.S.C. 102, the reference must teach every  
10 aspect of the claimed invention either explicitly or impliedly." MPEP 706.02 IV.

Keyser et al. do not teach a "solder matrix" as stated by the Examiner. Keyser et al. teach "a plurality of solder spheres  
15 suspended in a matrix of **flux** material." Keyser et al., para. 23 (emphasis added). In paragraph 25 cited by the Examiner, Keyser et al. teach spheres 22 of solder material within "the **flux matrix**...." Keyser et al., para. 25 (emphasis added). As such, Claims 1 and 19 are patentable over Keyser et al. under 35 U.S.C. 102.

20 None of the references teach solder preform having a **solder matrix** as claimed in Claims 1 and 19. Further, the dependent claims contain further patentable matter alone and in combination with the base claim and any intervening claims. Therefore, claims 1-21 are patentable over the cited art.

25 In addition to the allowance of Claims 1-21, the restriction of Claims 22-44 should be reconsidered and withdrawn in view of the below rationales.

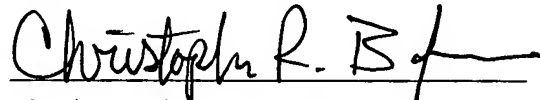
Group II Claims

In view of the above discussion with reference to the "solder matrix" limitation, Applicant respectfully requests reconsideration by the Examiner of his position with respect to his disagreement with Applicant's arguments in support of withdrawal of the original restriction into Group I and Group II. Applicant respectfully points out that the "solder matrix" limitation is also found in Claims 22 and 34. Claim 22 claims "forming a solder preform comprising **a solder matrix** having the microparticles embedded therein." Claim 34 claims "forming a solder preform comprising **a solder matrix** having embedded microparticles." Therefore, Claims 22-44 also should be examined and allowed.

Therefore, Claims 1-44 are in condition for immediate allowance. No new matter has been added.

Dated: March 29, 2006

Respectfully submitted,



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